

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutheron & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendants in the Rio Brazos subsection of Section 7:

Leo Rodela	CHTA-003-0022
Margaret Rodela	CHTA-003-0022 CHTA-004-0023
Harold M. Gallegos	CHRB-003-0009
George A. Valdez	CHRB-004-0027A
Olivia M. Valdez	CHRB-004-0027A
Lorenzo Zuniga Jr. and Maria E. Varela Family Trust	CHRB-009-0022A
Clifton M. Hughes	CHCV-002-0005
Angela Hughes	CHCV-002-0005

As grounds therefore Plaintiff states:

1. The Clerk's Certificate of Default with respect to the above-named defendants was entered on October 2, 2006 (Docket No. 8400).
2. The above-named defendants have recently contacted the State and have approved the State's proposed Consent Orders with respect to the subfiles listed above.
3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for the above-named defendants.

DATED: December 7, 2006

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed to following persons on December 7, 2007.

Leo Rodela
Margaret Rodela
PO Box 38
Tierra Amarilla, NM 87575

Harold M. Gallegos
P.O. Box 142
Los Ojos, MN 87551

George A. Valdez
Olivia M. Valdez
PO Box 187
Tierra Amarilla, MN 87575

Lorenzo Zuniga Jr. And Maria E. Varela Family Trust
c/o Maria E. Varela, Trustee
PO Box 4
Los Ojos, NM 87551

Clifton M. Hughes
Angela Hughes
P.O. Box 214
Chama, NM 87520

and transmitted by ACE filing to the following on the same date.

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla Bruner, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville

Edward G. Newville